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FILED BY  D.C.

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION**

05 AUG 19 PM 3:43

WILLIE MAE THOMAS, as legal guardian for  
PATRICIA BRIANA THOMAS, the only child  
and next of kin for TIJUANA THOMAS, deceased,

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

Plaintiffs,

No. 05-2384 MAV

v.

HQM of MEMPHIS, L.L.C. d/b/a  
MEMPHIS HEALTH CARE AND REHABILITATION  
CENTER, HOME QUALITY MANAGEMENT, INC.,  
HCD LICENSE, LLC d/b/a SYCAMORE VIEW CARE  
& REHABILITATION CENTER, and SYCAMORE  
MANAGEMENT SERVICES, LLC,

Defendants.

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**SCHEDULING ORDER**

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PURSUANT TO WRITTEN NOTICE, the Scheduling Conference was held on August 17, 2005. Present were Parke Morris, counsel for Plaintiff, and Kimberly Shields, counsel for the defendants HQM of Memphis d/b/a Memphis Health Care and Rehabilitation Center, Home Quality Management, Inc., HCD License, LLC d/b/a Sycamore View Care & Rehabilitation Center, and Sycamore Management Services, LLC. At the conference, the following dates were established the final dates for:

1. Initial Disclosure pursuant to Federal Rules of Civil Procedure 26(a)(1):  
September 7, 2005.
2. Joining parties: October 17, 2005.
3. Amending pleadings: October 17, 2005.
4. Initial motions to dismiss: November 17, 2005.

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 8-24-05

(4)

5. Completing all discovery: April 14, 2006.
  - a. document production: January 16, 2006.
  - b. interrogatories and request for admissions: January 16, 2006.
  - c. Depositions: April 14, 2006.
  - d. Expert witness disclosure (Rule 26)
    - i. disclosure of Plaintiff's Rule 26 expert information:  
February 14, 2006.
    - ii. disclosure of Defendant's Rule 26 expert information:  
March 14, 2006.
    - ii. expert witness depositions:  
plaintiff's expert: April 14, 2006.  
defendant's expert: April 14, 2006.
6. Filing dispositive motions: May 12, 2006.
7. Other relevant matters:

No depositions may be scheduled to occur after the discovery cut-off date. All motions, request for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cut-off date to enable opposing counsel to respond by the time permitted by the rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection which is the subject of the motion. If a default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown or the objection to the default, response, answer, or objection shall be waived.

This case is set for a jury trial, the pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. It is anticipated that the trial will last approximately 5 days.

This case is appropriate for ADR. The parties are directed to engage in court, annexed attorney mediation, or private mediation before close of discovery.


The parties are reminded that, pursuant to local Rule 11(a)(1)(a), all motions, except motions pursuant to Federal Rules of Civil Procedures 1256, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

  
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DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE  
DATE: August 19, 2005



## Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02384 was distributed by fax, mail, or direct printing on August 24, 2005 to the parties listed.

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Honorable Samuel Mays  
US DISTRICT COURT